

REMARKS

Applicants respectfully request entry of the amendments and remarks herein. Claims 5, 9, 13, 18-20, 26 and 28 have been amended herein; new claims 34-41 have been added herein; and non-elected claims 22-25 and 30 have been canceled herein without prejudice to continued examination.

With respect to the claims, Applicants note the following. Claim 5 has been amended simply for clarification purposes, and claim 13 has been amended to correct a typographical error. Claims 9 and 20 have been amended to add or specify a carbohydrase; support for these amendments can be found, for example, at page 6, line 15 to page 7, line 7 and in Examples 1 and 5. Claim 28 has been amended to clarify the claimed subject matter; support for this amendment can be found, for example, in Example 10. The amendments to claims 18, 19 and 26 are discussed below in the 'Response to Restriction Requirement' section. Support for new claims 34-41 can be found, for example, in the originally filed claims and throughout the specification.

Claims 1-21, 26-29, and 31-41 are currently pending. Reconsideration of the pending application is respectfully requested.

Response to Restriction Requirement

In response to the Restriction Requirement mailed April 6, 2009, Applicants elect Group I, claims 1-17, 28-29, and 31-33 (as well as new claim 34). Applicants respectfully traverse, in part, the Examiner's restriction of the claims. By so traversing, Applicant preserves the right to petition under MPEP §818.03(c).

First, Applicants have canceled the composition claims that were assigned to Group V (claims 22-25) and Group VII (claim 30) without prejudice to continued prosecution. Applicants intend to pursue these claims in Divisional applications.

Second, the Examiner restricted each independent process claim into a different group because, according to the Examiner, each of the processes have different steps (OA at page 3). For clarification purposes and simply to expedite prosecution, Applicants have amended several of the claims herein such that it should be more apparent that the process claims do not constitute

separate inventions. For example, claim 18 was originally written as an independent claim and assigned by the Examiner to Group II, but, as amended, claim 18 simply further limits the protein-containing material of claim 1. Also, claim 19 was originally written as an independent claims and assigned by the Examiner to Group III, but, as amended, claim 19 refers to the beneficial results of performing the process of claim 1. Further, claim 26 was originally written as an independent claim and assigned by the Examiner to Group VI, but, as amended, claim 26 simply specifies the temperature at which the process of claim 1 is carried out. Under PCT Rule 13.2, claims 18, 19, and 26-27 contain the same or corresponding technical features as do claims 1-17, 28-29, and 31-34, and, therefore, claims 1-19, 26-29, and 31-34 all relate to the same inventive concept under PCT Rule 13.1.

Third, the Examiner restricted process claims 20-21 into a separate group (Group IV) because, according to the Examiner, the process claims require different steps in order for them to be carried out (OA at page 3). Contrary to the Examiner's assertion, however, independent claims 1 and 20 both require that a wet-mill stream be contacted with a protein-containing material and a carbohydrase, and that the resulting water-soluble carbohydrates be collected. That independent claim 20 recites more steps than does independent claim 1 is irrelevant; claim 1 and claim 20 contain the same or corresponding special technical feature and relate to the same general inventive concept. As such, claims 20-21 (and new claims 35-41) should not be restricted from claims 1-19, 26-29, and 31-33 simply because independent claim 20 recites more steps than does independent claim 1.

As explained herein, the pending process claims contain the same or corresponding special technical feature under PCT Rule 13.2 and, therefore, relate to a single general inventive concept under PCT Rule 13.1. Accordingly, process claims 1-21, 26-29, and 31-41 should not be restricted into different groups, and should be examined together.

CONCLUSIONS

Applicants respectfully request examination of the pending claims. Please apply any charges or credits to Deposit Account No. 06-1050.

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Serial No. : 10/587,883
Filed : July 27, 2006
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Attorney's Docket No.: 18780-
0009US1 / CGL04/00034US

/August 6, 2009/

Date: _____

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